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IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-698

FRIENDS OF THE EARTH,
WASATCH MOUNTAIN CLUB, INC.,
and KENNETH G. SLEIGHT,
Petitioners

v.

GILBERT R. STAMM, COMMISSIONER,
BUREAU OF RECLAMATION,
and ROGERS C. B. MORTON,
SECRETARY OF THE INTERIOR,
Respondents

and

STATE OF COLORADO, et al.,
Intervenors-Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE 10TH CIRCUIT

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE ON BEHALF OF SIERRA CLUB, THE AMERICAN WHITE WATER AFFILIATION, THE ANIMAL PROTECTION INSTITUTE, DEFENDERS OF WILDLIFE, THE ENVIRONMENTAL POLICY CENTER, THE FUND FOR ANIMALS, IZAAK WALTON LEAGUE OF AMERICA, THE NATIONAL AUDUBON SOCIETY, THE NATIONAL PARKS AND CONSERVATION ASSOCIATION, THE NATIONAL WILDLIFE FEDERATION, NATURAL RESOURCES DEFENSE COUNCIL, AND THE WILDERNESS SOCIETY

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COME NOW Amici Curiae and move the Court for leave to file their brief amicus curiae, and as grounds therefor state to the Court as follows:

1. Amici attempted to obtain consent of the parties. However, attempts to obtain consent were discontinued upon the failure of the Colorado River Water Conservation District and the Southwestern Water Conservation District, Intervenors in the District Court, to give such consent;

2. The interests of those conservation and environmental organizations appearing amicus curiae are set forth in the following paragraphs:

Sierra Club is a California non-profit corporation having a national membership of approximately 140,000 persons. Protection of national parks and monuments is an important objective of the Club and its membership. The Club has participated in legislative lobbying efforts to protect national parks and monuments, including Rainbow Bridge.

American White Water Affiliation is a Missouri non-profit corporation having a national membership of approximately 1900 persons. Protection of the wilderness character of waterways in national parks and monuments is an important objective of the Affiliation and its membership.

The Animal Protection Institute is a California non-profit corporation having a national membership of approximately 26,000 persons. Protection of national parks and monuments, particularly in view of their critical importance in preservation of wildlife habitat, is an important objective of the Institute.

Defenders of Wildlife is a District of Columbia non-profit corporation having a national membership of approximately 40,000 persons. Protection of national parks and monuments, particularly in view of their critical importance in preservation of wildlife habitat, is an important objective of the Defenders and its membership.

Environmental Defense Fund, Inc., is a New York non-profit corporation having a national membership of approximately 40,000 persons. Protection of national parks and monuments is an important objective of the Fund and its membership.

The Environmental Policy Center is a District of Columbia non-profit corporation. Among its important functions, the Center is dedicated to research, education, and lobbying to protect national parks and monuments. Supported through contributions and payment for services rendered, the Center performs professional services which serve such efforts.

The Fund for Animals is a New York non-profit corporation having a national membership of approximately 35,000 persons. Protection of national parks and monuments, particularly in view of their critical importance in preservation of wildlife habitat, is an important objective of the Fund.

Izaak Walton League of America is an Illinois non-profit corporation having a national membership of approximately 50,000 persons. Protection of national parks and monuments is an important objective of the League and its membership.

The National Audobon Society is a New York non-profit corporation having a national membership of approximately 265,000 persons. Protection of national parks and monuments, particularly their environment and their ecological systems, is an important objective of the Society and its membership.

The National Parks and Conservation Association is a District of Columbia non-profit corporation having a national membership of approximately 50,000 persons. Protection of national parks and monuments is an important objective of the Association and its membership. The Association was Plaintiff in the case of *National Parks Association* v. *Udall*, Civ. No. 3904-62 (D.D.C. 1963), concerning matters under consideration herein.

The National Wildlife Federation is a District of Columbia non-profit corporation having a national membership and associate membership of approximately two million persons. Protection of national parks and monuments is an important objective of the Federation and its membership.

Natural Resources Defense Council is a New York non-profit corporation composed of lawyers, scientists and private citizens, having an approximate membership of 10,000

persons. Protection of national parks and monuments is an important objective of the Council and its membership.

The Wilderness Society is a District of Columbia nonprofit corporation having a national membership of approximately 80,000 persons. Protection of national parks and monuments is an important objective of the Society and its membership.

Many of the members of these amici organizations have personally used and enjoyed Rainbow Bridge National Monument. Virtually all the members have enjoyed one or more of our national parks, monuments, wildernesses, seashores, wildlife refuges, recreation areas, or other lands preserved and protected under federal laws. Many of these people have publicly fought for and defended such lands through lobbying efforts in the United States Congress and before various federal administrative agencies.

3. Amici believe that their cumulative experiences and interests will better enable the Court to understand the importance of preservation of Rainbow Bridge National Monument and of granting to petitioners a writ of certiorari than if these matters were raised by the parties alone. This understanding is important for determining if Congress has by implication repealed or rendered inoperative Section 3 of the Colorado River Storage Act of 1956 (43 U.S.C. Sec. 620(b) (1956)) protecting Rainbow Bridge National Monument and also for the Court's determination if the petitioners' case merits granting of the writ of certiorari.

WHEREFORE Amici Curiae and their attorneys move this Honorable Court for leave to appear of record amicus curiae and to accept their Brief Amicus Curiae.

DATED this ..... day of October, 1973.

Respectfully submitted,

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